

Dear Richard, *gallen*

While I've heard nothing about any promotional efforts or even interests, perhaps there will be some and I'll be suggesting one soon, so before I can mislay the attached again I enclose the first three pages of a DJ Motion to Strike when I caught it and the FBI in blatant perjury. It is at the bottom of the third page that they justify perjury- and got away with that- by saying I know more about the JFK assassination than anyone ~~is~~ working for the FBI.

By way of background I also have with it a page from Post Mortem on which I used it.

This particular FOIA lawsuit was the first filed by anyone anywhere under the amended Act, after the 1974 amendments became effective, in March, 1975.

It is also ^{my} the lawsuit over which the Congress amended the investigatory files exemption to open FBI, CIA and similar files to FOIA access. The suit sought the results of the FBI's scientific testing of bullets, fragments and the like.

H

75-226

missing this matter."
il, that "the documents
or to other documents
t been given." He
ils of official false-
he usual way, under
lge suggested to Ryan,
tstanding matters of
interrogatories are
satisfactory ..."
the page of each day's

"These affidavits are
ategorically that every-
has been submitted."
ay and was given three

e hearing with this

lsberg, at least for

ort, doesn't he, Mr.

ial circumstances are

h I don't expect to

ire you.

rvices without any fee.

. May 21. If you

21. Just as Pratt
l me a single copy of
urlier. It identifies
y." The one purpose
k the affidavit for a
s to make it impossible

ne best personal knowl-
2-3). But neither he
. One of the oldest of
and avoid the right
ry and factual deficien-
edge, Kilty has no way
. There is, in fact,
t elsewhere (5H67).

t in any response to the
id, "I have been after
I was assured that it
here this morning. I
uld be in my office to-

not executed for another
and a half, on June 18.
bothered Pratt.

Kilty's affidavit was not "made on personal knowledge," the requirement, Jim noted. He gave "proof that other tests were conducted which have not been made available to us." Pratt asked him to tell Ryan about them. Jim had, at the previous hearing. When he started to explain, all he got out was, "Well, the fundamental problem --" when Pratt cut him off with "we are not going to make a cause célèbre out of this case ... not going to go through a lot of confrontation and so on" (p.5).

This, of course, is one way of dealing with official perjury.

Pratt repeated, "I think you ought to tell Mr. Ryan and so on" and Jim managed to get out, "Your Honor, I did --" before Pratt cut him off still again with "I am not going to make debating points in this with me [sic]" (p.5). Pratt persisted

Pratt persisted in rewriting the law. In its wisdom Congress, having had its own experiences with official suppressions and lying, placed the burden of proof of compliance on the government. Pratt by-passed this requirement of the law by telling Jim, "it seems to me in good conscience it is up to you to tell Mr. Ryan" (p.5). Finally (pp.5-6), he let Jim remind him that Jim had done this at the previous hearing. Jim added new specifics. Confronted with another sworn FBI statement that was here proven false, Pratt repeated still again, "you ought to tell Mr. Ryan about it" (p.6). All Jim could do is repeat that he had. He also told the judge that the burden of proof was not on us and that if we told the government all we knew it was withholding, it would get away with suppressing all else (p.7).

Pratt was impervious. Jim pointed out that Frazier had first-person knowledge and could have supplied an affidavit while Kilty did not even pretend first-person knowledge. Confronted with proof, Pratt said no more than "I accepted Mr. Ryan's representation that Kilty knows more about it than these other people" (p.8). "These other people" happen to be the ones who actually performed the tests!

All of this book is a Byzantine account dealing with what we can hardly believe of the less civilized past. Nothing in it, certainly not in any of the litigation, is farther out than the government's endorsement of me as an expert - the preeminent expert. When it could not entirely ignore my proven charges of perjury against it and tried to have them expunged ("motion to strike"), with the question what was in the FBI's own files, it actually filed a document suggesting that I know more about the subject than anyone in the FBI:

In the motion to strike (pp. 2-3), plaintiff also alleges the

existence of certain documents which he claims have not been

provided by the F.B.I. In a sense, plaintiff could make such

claims ad infinitum since he is perhaps more familiar with events

surrounding the investigation of President Kennedy's assassination

than anyone now employed by the F.B.I.

Ryan followed with a big speech on the FBI's "good faith effort" while admitting that in "prior cases ... the Government had withheld this information ..." (pp.8-11).

Jim followed with other specific proofs of official lying on the central - really only - issue, compliance (pp.11-3), and asked again that the interrogatories be answered under oath to resolve the existing questions, the legal norm. Pratt refused, adding, "I have read your interrogatories. I have a little bit of the feeling that they were somewhat oppressive, but maybe that is what you intended them to be" (p.13). His response to his obligations as a judge when he had this repeated proof of the misuse of the courts and the law and of false swearing was more unhidden prejudice, "I have the feeling